



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTY. DOCKET NO.
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09/140,831 08/26/98 WELLS

G 9717-4

020575 PM82/0811
MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
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EXAMINER

VANAMAN, F	
ART UNIT	PAPER NUMBER

3611

DATE MAILED:

08/11/00

Please find below and/or attached an Office communication concerning the above identified application.

Commissioner of Patents and Trademarks

Response to Amendment

1. The reply filed on May 23, 2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): The amendment is not in compliance with 37 CFR 1.121(b), as set forth below:

- a. Any change to the text of a claim (original or new) must be presented as an entire numbered claim (whether proposed by the applicant or made by the examiner in an Examiner's Amendment). All subject matter being added to an original patent claim must be underlined. All subject matter being deleted from an original patent claim must be placed between brackets. 37 CFR 1.121(b)(2)(I)(C). Subject matter being added to a new claim requires rewriting (and underlining) of the entire new claim. Claims 8-10 are not completely underlined but only reflect changes made by the amendment. See paragraph (b) below.
- b. If a claim is amended during reissue prosecution, a parenthetical expression "(amended)," "(twice amended)," etc., should follow the original claim number. 37 CFR 1.121(b)(2)(I)(C). Alternatively, applicant may effectively re-write a claim by presenting it as a new (fully underlined) claim with a new claim number, and canceling the old claim. Brackets and underlining are to be used to reflect only those changes in the text from the original patented text and not from any previous amendment.

Please also note MPEP 1453, which states:

Amendment of New Claims

An amendment of a "new claim" (i.e., a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended "new claim" containing the amendatory material, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all

changes in the reissue are made vis-a- vis the original patent, and not in comparison to the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim applicant must point out what is changed, in the "Remarks" portion of the amendment. Also, as per 37 CFR 1.121(b)(2)(C)(iii), each change made in the claim must be accompanied by an explanation of the support in the disclosure of the patent for the change.

Further, the amendment filed May 23, 2000 does not explicitly state the status of all patent claims as required by 37 CFR 1.121 (b)(2)(ii), which is discussed below (from MPEP 1453):

In accordance with 37 CFR 1.121(b)(2)(ii), each amendment submitted must set forth the status of all patent claims and all added claims as of the date of the submission. The status to be set forth is whether the claim is pending or canceled.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

FRANK B. VANAMAN
Patent Examiner
Art Unit 3611

Frank Vanaman
August 8, 2000



6/8/00